

4-223. Order for free process.

[For use with Supreme Court General Rule 23-114 NMRA]

STATE OF NEW MEXICO

COUNTY OF _____
_____ COURT

_____, Petitioner,

v. _____, Respondent.

No. _____

ORDER ON APPLICATION FOR FREE PROCESS

THIS MATTER having come before the court on Petitioner's application for free process and affidavit of indigency, or upon Petitioner's attorney's certificate supporting indigency and free process pursuant to Rule 23-114(B)(2) NMRA, and the court being otherwise advised in the premises, **FINDS** that:

- ☐ the applicant is entitled to free process in accordance with Rule 23-114(B)(2) NMRA.
- ☐ the applicant receives public assistance and is, therefore, entitled to free process.
- ☐ the applicant's annual gross income does not exceed _____ of the federal poverty guidelines, and the applicant is, therefore, entitled to free process.
- ☐ the applicant's annual gross income exceeds _____ of the federal poverty guidelines, but the applicant is not reasonably able to pay fees or costs and is, therefore, entitled to free process.
- ☐ on the basis of the applicant's available funds or annual gross income, the applicant is not entitled to free process.

THE COURT ORDERS that:

- ☐ the filing fee is waived.
- ☐ the filing fee is waived except for the \$_____ alternative dispute resolution (ADR) fee.
- ☐ the applicant is granted free service of process by the Sheriff in _____ County, New Mexico for 1 2 3 4 5 or _____ summons(es), provided that the applicant first attempts service by certified mail pursuant to Rule 1-004 NMRA.
- ☐ the applicant is granted free service by the Sheriff in _____ County, New Mexico, of a temporary restraining order or _____.
- ☐ the applicant is to pay the filing fee on _____, 20_____.
- ☐ interpretation services shall be provided to the applicant.
- ☐ free process is denied.
- ☐ Other:

Unless specifically granted above, this order of free process does not include the following costs: jury fees, certification fees, subpoena fees for witnesses, witness fees for hearings or trials, mailings, long distance charges, transcripts for appeals or record proper, duplication fees for audiotapes or compact discs, copy charges, publication fees, or facsimile services. Application for all other costs are to be made to the judge assigned to your case. If the applicant prevails in this law suit and collects money by judgment or settlement, the court may order reimbursement for any waived costs. If the applicant is represented by an attorney who is paid an attorney fee, any fees or costs waived by this order must be deducted from any such attorney fee and paid to the court clerk. ***This order is subject to revision, modification or rescission by the judge assigned to your case.***

JUDGE

[Adopted by Supreme Court Order No. 07-8300-043, effective February 25, 2008; as amended by Supreme Court Order No. 08-8300-031, effective November 17, 2008; by Supreme Court Order No. 10-8300-044, effective February 9, 2011.]